

## Gendering the diversification of diversity

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## Gendering the diversification of diversity

### *The Belgian hijab (in) question*

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**ABSTRACT** This article presents an analysis of the recent headscarf debate in Belgium, and explores in particular to what extent issues of gender equality and feminist arguments were central to the discussion. It is argued that compared to France, concerns about secularity and state-neutrality, national identity and equality, all find resonance in the Belgian context, but are articulated in a more ambiguous and less ‘principled’ way. This partly explains the paradoxical situation in which, despite a widespread resistance to a general law banning the wearing of religious symbols in public schools, in practice, headscarf prohibitions are on the rise throughout various regions of the country. Although issues of gender equality and cultural diversity often cut and flow across debates and policies in European nation states, the Belgian hijab question provides a unique case, because of various lines of fracture and processes of increasing diversification that characterize Belgian society.

**KEYWORDS** gender equality ● headscarves ● multiculturalism ● national identity ● neutrality of the state ● public education

## INTRODUCTION

Within the past two decades, the hijab, particularly the headscarf and to a lesser extent, forms of dress such as the niqab, burqa or chador, has given rise to controversies in many different European countries. The issue has been most passionately debated in France, where it led in 2004 to legislation that prohibits the wearing of a headscarf by pupils within public schools.

Following the recommendations of the French independent Commission de Réflexion sur l'application du principe de laïcité dans la République (Commission to Reflect on the Application of the Principle of Laïcité in the Republic), better known as the Stasi Commission, the French parliament overwhelmingly passed a law that prohibits students of primary and secondary public schools from wearing dress and insignia that 'conspicuously manifest a religious affiliation'. Although the law applies to other religious insignia, it was generally perceived to be about the hijab or headscarf.

In and outside academia, the headscarf controversy has been widely debated and is often depicted as symptomatic of the crisis of multiculturalism and the increasing intolerance towards Islam and Muslim minorities. Within France, although the headscarf ban was also contested by some academics, feminist and left-wing groups for being westernizing, colonialist and Islamophobic, a large majority seemed to support the law. The ban has mainly been defended as preserving the central values of the secular philosophy and the doctrine of *laïcité* that implies, amongst others, equality before the law, non-discrimination and the guarantee of equal rights for all (see e.g. Weil, 2005).

In comparison to some of the other cultural practices discussed within this issue, debates over the hijab or headscarf are somewhat exceptionally positioned, for in the case of issues such as honour-related violence or forced marriages, the violation of women's rights as such is not in question (cf. Dustin, 2006). So far as the hijab is concerned, its perception and interpretation in terms of gender equality and women's rights is much more contested. From one side, feminists denounce the headscarf as an instrument of women's oppression, while others emphasize the neocolonial and assimilationist agenda behind the highly gendered rhetoric of 'unveiling'. On the political and judicial level, the principle of gender equality and women's rights seems to point in opposite directions, with hijab bans being defended in terms of the right of protection against gendered oppression, and protests against these bans emphasizing Muslim women's rights to religious freedom and personal choice.

In this article, we look at the way such arguments were played out in the recent headscarf debate in the context of the federal Belgian nation state. We argue that despite some variation in the arguments between the French-speaking and Dutch-speaking communities in Belgium, and the resistance to introduce a general hijab ban in public schools and places, in practice, headscarf prohibitions are increasing. From a comparative perspective, the Belgian hijab question therefore provides a unique case, because of various lines of fracture and processes of increasing diversification that characterize Belgian society.

The first section offers an introduction and explanation of the current state of affairs and debates, mainly in regard to the field of education. Next, a comparison with France is made in regard to the concepts and

interpretation of *laïcité* (secularism) and multiculturalism. The final section explores how gender equality, women's rights and emancipation were articulated in the public debate and reviews some of the feminist activism that developed in response to the political and media debate, both by the white feminist movement and Muslim women. Although the headscarf controversy has contributed to an increasing visibility of minority women and some recognition of their interests on the political agenda and in civil society, it is also argued that the question of gender equality and cultural diversity is not a very prominent concern compared to the increasing attention to issues of secularity and religious pluralism. Thus, minority women still have a long way to go in the struggle for recognition – whether as women in minorities or as minority women. Although it remains an open question how policies will further evolve, the headscarf has obviously opened a Pandora's Box, bringing old wounds and conflicts back into the world of contemporary politics.

## HEADSCARF CONTROVERSIES AND BELGIAN COMPROMISES

At the level of both political and media representation and public policy, tensions between gender equality and cultural diversity in Belgium share many parallels with, and are greatly influenced by, those in other European countries and liberal democracies. Although abusive practices, such as forced marriages, honour-related violence and female genital mutilation (FGM) have been only marginally addressed, the hijab has recurrently been a topic of broad and heated political and media contention, especially in the wake of the report of the Stasi Commission on religious symbols and the law on *laïcité* in France. Thus, in January 2004, two (Francophone) Belgian senators introduced a proposal of resolution to 'safeguard the equality between men and women and the neutrality of the state in official schools and in public services by banning the wearing of conspicuous signs of a religious conviction'. As the title betrays, the wearing of religious symbols in official schools and public services was perceived as endangering gender equality and state-neutrality. Although the proposal was firmly rejected, and despite widespread 'resistance' to adopting a policy similar to that in France, in daily practice, veiling prohibitions have turned out to be remarkably similar, with schools in Brussels, Francophone Belgium and Flanders increasingly issuing their own bans. The problem is also raised in other contexts, such as in private and public employment. In addition, a number of cities have issued total bans against extreme forms of veiling in public, such as the burqa.

In the school year 1989–90, when the first 'headscarf affair' took place in France, pupils wearing a headscarf were excluded from attending lessons in

a school in St-Jans-Molenbeek (Brussels) on the basis of school regulations that explicitly prohibited wearing head coverings. After a failed attempt at compromise, the conflict escalated and the parents of 51 pupils lodged a court appeal. The summary judgment largely confirmed the compromise proposed by the school, according to which the wearing of a headscarf was only partly admitted, such as during courses taught by a male teacher. When the girls refused to abide by these restrictions, they were expelled from school, and filed a petition for cancellation at the Belgian Conseil d'Etat (State Council). In his report, the auditor relied on the advice of the French Conseil d'Etat of 27 November 1989. In response to the First French headscarf affair in which three girls were sent from school in the Creil department, French Minister of Education Lionel Jospin brought the case to the French State Council for judicial advice. The Council argued that the principle of *laïcité* did not conflict with the wearing of religious symbols by pupils in schools, except if these signs could be considered as an act of pressure, proselytism, propaganda or interfered with the dignity of freedom of the student or other members of the school community. The application of an exception ground had to be demonstrated in each individual case and this excluded the possibility of a ban as a general school rule.<sup>1</sup> Likewise, the auditor of the Belgian State Council confirmed that a ban on the wearing of religious symbols was to be considered an infringement of the principle of neutrality, unless it was based on one of the aforementioned exceptive clauses. In this case, the auditor argued that the decision of the school fitted within this requirement, for the girls disturbed regular teaching activities and safety was endangered. The restrictions were thus considered to be legitimate and the plaintiffs did not take any further legal actions.<sup>2</sup> A number of disputes concerning the headscarf arose in the years to follow, and were not only limited to Brussels or Francophone Belgium.<sup>3</sup>

However, in comparison to France, the situation on the school front in Belgium remained relatively quiet until the beginning of the school year 2003–04. The French-speaking athenaeum II of Laken (Brussels), a school where 80 percent of pupils were of immigrant origin, adopted in its school regulation a provision that prohibited the wearing of a headscarf. According to the school management, the prohibition was required to put a halt to a rising 'radicalization' (*De Standaard*, 2003). At the time, such a ban was not exceptional in Brussels: the majority of schools had already introduced similar regulations, but the event caught public attention, because of both the parallel developments in France and the protest marches of the Brussels action group 'Touche pas à mon foulard' (Do not touch my headscarf) and the Arab European League (AEL).<sup>4</sup>

In January 2004, soon after the launch of the report of the French Stasi Commission (Stasi, 2003), two (Francophone) Belgian senators, Alain Destexhe (Mouvement Réformateur Liberaux) and Anne-Marie Lizin (Parti Socialiste) introduced a proposal of resolution banning religious

symbols in official schools and public services. Their text largely resembled the conclusions and recommendations of the Stasi Commission, except for a more outspoken focus on gender equality. Furthermore, the proposal was not confined to public schools, but also aimed at prohibiting the wearing of religious symbols by employees in government and public office.

As the major part of governmental authorities on education and public services are regionalized, such a law could acquire force for the whole Belgian territory only if all regional parliaments subscribed, and the resolution therefore called for the engagement of the different legislative bodies in the debate. The proposal, however, was by no means welcomed and largely dismissed as inapplicable to the Belgian context. In response, the Minister of Integration and Equal Opportunities, Marie Arena (and Socialist Party member Anne-Marie Lizin), launched a Commission on Intercultural Dialogue that gained support from the federal government. It was assigned the task of drawing up a state of affairs on intercultural relations in Belgium on the basis of four main themes: citizenship, gender equality, the place of religion in a secular society and the working principles of government services. Although the members of the Commission were divided over the necessity of any law or general rule, many seemed to agree that Belgium should not follow the French path (CID, 2005: 89–90). In contrast to the Stasi Commission, where the meaning of *laïcité* was central, the Commission on Intercultural Dialogue covered a broad range of questions regarding multicultural society. As for issues of gender, the Commission's report deals with equality between women and men, and yet not in relation to the issue of the headscarf (CID, 2005). This may reflect the Commission finding the topic either too controversial or simply irrelevant to its discussion. On the basis of numerous hearings, the Commission concluded that 'there is in any case a consensus over the fact that the real stakes of the debate on intercultural society lie elsewhere rather than the headscarf issue' (CID, 2005: 88, OVP trans.). Although this Commission proved to be a unique exercise in putting the status of multiculturalism to the test in the various regions of the country and the principles of citizenship in the Belgian federalized state, its conclusions remain mostly informative rather than advisory.

Despite the initial call for 'dialogue', at the time of writing this, schools are increasingly introducing restrictive provisions on headscarves in their school regulations, in which reference is made either to the wearing of head coverings or religious symbols. In addition to Brussels, provisions have been predominantly introduced in cities such as Antwerp (Flanders) and Charleroi (Wallonia). Recently, the newspaper *Le Soir* (De Meulenaere and Dorzee, 2007) revealed that 90 percent of Brussels schools already apply such a prohibition. While none of the representative organs and ministerial departments have declared themselves in favour of a general repressive rule, the decision to leave it up to the local school

boards to decide has led to practices that have turned out to be quite restrictive.

To explain these tendencies, we need to stress first that governmental authority over education is regionalized in Belgium, which allows the three communities to develop their own policies.<sup>5</sup> In addition, education is institutionalized within different organizational frameworks or 'pillars' that enjoy a large degree of autonomy: i.e. official or public education (governed at the community, provincial or municipal level) and free – mainly Catholic – education. While official education is more prominent in the French-speaking part, the majority of schools in Flanders are Catholic, yet fully state-subsidized. Although Catholic schools may also decide whether the wearing of a headscarf fits their particular educational project, not many seem to allow it. However, they rarely reach the less advantaged and have the least pupils of migrant origin. The refusal to accommodate pupils with different religious backgrounds, for instance by providing the alternative of Islamic teaching, thus reinforces the social gap and duality between 'white' Catholic schools and 'coloured' official schools. This helps to explain the particular sensitivity of official school boards to the headscarf as a visible symbol of immigrants' otherness. Likewise, in the absence of one single principle or rule, a domino-effect has evoked an escalation; the more schools introduce a ban, the more other schools feel the need to do the same, if only to avoid becoming 'concentration-schools' of less-advantaged immigrant children. In view of a general trend towards taking a more judicial approach, schools seem to take a more defensive attitude within their school regulations, because disputes in the course of the year can be anticipated by implementing clear and strict rules that parents are required to accept before the children can go to that school. Up until now, courts have not been receptive to complaints against these kinds of limitations.<sup>6</sup> In other words, the decentralization of decision-making to local school boards, in which parents are also represented, has not led towards a greater tolerance.

Thus one can read in a memorandum of the representative body of Flemish Community Education (Vlaamse Raad voor het Gemeenschapsonderwijs; GO!, 2007) that it relies on the philosophy of 'active pluralism'. This asserts the right of pupils to express rather than impede their own view of life (in as far as this does not hinder the rights of others). Although the memorandum allows for a tolerant attitude towards the wearing of religious symbols by pupils, teachers or staff are not allowed to wear symbols that express their (religious or other) beliefs. An exception is made for teachers of religious courses. Unlike in France, Islam is taught in official schools, alongside other state-recognized religions and non-religious moral education. Although the wearing of a headscarf by teachers of Islamic religion is usually tolerated, two Islamic teachers in an official school in Brussels were fired in 2006 for refusing to remove their headscarf outside



the Islamic class. The reasoning behind this decision was that, although the school board was not to interfere with religious teaching and customs during the reserved hours and courses, teachers should abide by the requirements of neutrality when in contact with other (non-Islamic) pupils in the school. Rather an exception than a rule, this particular case nevertheless illuminates some of the tensions of the particular 'neutrality approach'.

In sum, although Belgium has not introduced similar legislation against religious symbols, including the headscarf, to that of France, this has not prevented very similar developments unfolding in practice. This may seem paradoxical given the strong resistance against the French law and its underlying philosophy. The next section seeks to offer some explanation.

## **FRENCH *LAÏCITÉ* AND BELGIAN MULTICULTURALISM**

Contextualizing the hijab issue in terms of the 'policies' and 'politics' of dealing with diversity is, in view of the highly diversified Belgian 'federal' context, no easy task.

First, as a paradox of 19th-century nation building and in order to manage a highly diversified society, the Belgian state has developed into a complex political and institutional structure. As far as the linguistic-cultural diversity between the Flemish and the Francophone is concerned, a strong multiculturalism has been adopted, leading to some governmental autonomy of different communities and regions within the federal state. Subsequent state reforms and a decentralization of policy instruments among the regions have reinforced differences in policies between Flanders and Wallonia, in such a way that (at least) two distinct philosophies of integration can be detected: Flemish multiculturalism, inspired by the earlier Dutch and Anglo-Saxon model of ethnic minority policies; and Francophone integration policies, more aligned with the French Republican and citizenship model. In this regard, it is not surprising that, at the outset, the headscarf controversy was more obviously alive in Brussels and Francophone Belgium. However, this view is highly misleading if it leads one to expect a more tolerant attitude in so-called 'multicultural' Flanders. This does not seem to be the case, or, as we aim to demonstrate, is at least not supported by unambiguous evidence.

Second, although integration policies are federalized, religious matters and state-neutrality are federal and constitutional matters, thus making reference to the Belgian context particularly significant. As such, the Belgian case also presents a compromising model between French secularism and the Dutch 'pillarized' model of religious pluralism. Both policy-levels and institutional logics ambiguously shape the context in



which the hijab is debated and how the issue is perceived; i.e. in terms of multicultural recognition or in terms of state-neutrality.

However, despite all these divergences, an underlying logic of compromise and pragmatism often determines particular policy outcomes on migrant issues. As Hassan Boussetta and Dirk Jacobs (2006) explain in a discussion of multiculturalism, citizenship and Islam in Belgium, the 2003–04 Belgian headscarf debate may count as an obvious example of this typical Belgian multicultural pragmatism. This mainly implies that substantial debates and clear-cut positions on the public recognition of minority cultural and religious practices in the public sphere are avoided, and that decisions are therefore left over for civil society and the judiciary. In this regard, there is a considerable difference between the ‘debates’ on multicultural issues on the one hand and the ‘practice’ of multicultural policies on the other. Although we agree that this ‘multicultural pragmatism’ largely explains the lack of a single policy on the headscarf and the contradictory responses in society, it nevertheless leaves out of the question why this particular issue has turned out to be so controversial. Moreover, it leaves concerns on gender equality and the impact of women’s activism unexplored.

### ***‘Ceci n’est pas une voile’***

At the time the French legislation was enacted, the headscarf controversy was already the focus of a passionate media and political debate in Belgium, with similar concerns about gender equality and the neutrality of state and official education being raised, although with divergent articulations. The impact of the French debate in Belgium is not entirely unanticipated, for these are neighbouring countries with a common language and a shared history, particularly in regard to church–state relations. After the French Revolution, Belgian territory was briefly under French rule and the anti-clerical revolutionary spirit left some legacy. However, after the defeat of Napoleon, Belgian territory came under Dutch Protestant rule, in opposition to which Liberals and Catholics joined forces, subsequently leading to Belgian independence. The product of an extraordinary coalition between Catholics and Liberals, the 1831 Constitution thus generously stipulated religious freedom as both positive and negative, guaranteeing the freedom of worship and practice and the freedom to demonstrate one’s opinion on all matters (article 19), as well as giving the assurance that no one could be obliged to contribute in any way whatsoever to the acts and ceremonies of a religion, nor to observe the days of rest (article 20). Further, it was declared that the state would not interfere in the nomination or installation of clerics but would finance Catholic clerics, as a compensation for the confiscation of clerical property during the era of the French Revolution. Although the French state continued to provide financial support for the

maintenance and preservation of religious buildings, article 2 of the French Law of separation of 1905 explicitly declares that the state neither recognizes nor subsidizes any religion. Thus, in contrast to France, where the law of 1905 established a strict separation of church and state, Belgium earlier adopted a regime of 'active neutrality'. Recognition was promptly extended to other religions (Protestantism, Anglicanism, Judaism) and more recently to Islam (1974), the Greek Orthodox Church (1985) and later to non-religious philosophical or secular humanist organizations, somehow ironically referred to as 'La Laïcité organisé'. In 2007, organized Buddhism also applied for state recognition. In contrast to countries such as France and the Netherlands, the compensation regime became permanently institutionalized, and was extended on the basis of equal treatment of other 'recognized' religions or philosophies. Nevertheless, the distribution of benefits and funding is both non-transparent and unequal, for the Catholic Church still receives the vast amount of the total budget (cf. Husson, 2005).

Differences between France and Belgium are most noticeable in the field of public education. Given the importance of education to the republican project, the doctrine of *laïcité* has found its fullest application in state schools. As explained by Cécile Laborde (2005: 323–5), the neutrality of schools in France implied the full avoidance of any reference to religion in the content of education, as well as the removal of any religious symbols from classrooms. Instead, children were to be taught about the basic principles of universal morality and the principles and their duties to the French Republic. Likewise, teachers were instructed to refrain from any offence or disturbance of children's conscience or parents' beliefs. The idea that true respect for the diversity of beliefs and inclusiveness requires that schools refrain from either endorsing or criticizing religious beliefs remains indicative in the recent headscarf debate. For instance, according to Stasi Commission member Jacqueline Costa Lascoux, *laïcité* should be considered as 'a tribute to the spiritual' for it 'takes very seriously the choices dictated by religious considerations and recognizes as its fair value the importance they can have for the faithful' (2004: 2).

Although the Belgian Constitution declares that education organized by the communities (previously the federal state) should be neutral, implying, amongst other things, respect for the philosophical, ideological and religious beliefs of pupils and parents, it also states that schools organized by public authorities should offer a choice between the teaching of one of the recognized religions and non-religious moral teaching. In addition, all pupils of school age are guaranteed the right to religious or non-religious moral education at the community's (formerly the federal state) expense. Again, this regulation is the compromise outcome of long-standing 'school battles', although it did in the end pacify religious-ideological divides and may count as a unique example of managing religious and philosophical diversity.

The interpretation of neutrality in the field of education did not outlaw a reference to religion, but provided (some) space for religious teaching and practice.

Although French secularism remained an appealing ideal for socialist and liberal movements in the continuing struggle against the Catholic dominance of society in the 19th and 20th centuries, it could never take ground in Belgian society as in France. As a result of the larger impact of the labour and socialist movement in earlier industrialized Wallonia, and successive electoral successes of the Parti Socialiste, the secularization of civil society became more advanced in the French-speaking part of the country. In Flanders, subsequent Catholic and Christian parties were nearly continuously in power. Up to the present, and in contrast to a general tendency of secularization of society and the decline of Catholic religious practice, the Christian 'pillar' still embraces the majority of schools, hospitals and caring institutions in Flanders, although wholly subsidized by the state. Public schools, hospitals etc. largely evolved as 'secular' and anti-clerical alternatives to the existing Catholic organizations and institutions. For instance, a symbolic and prominent area of anti-clerical struggle in the past (although not yet fully completed) was the removal of Christian crucifixes in public schools, hospitals and court rooms. Hence, public manifestations of new religious groups in contemporary society are often perceived to undermine these fragile achievements in terms of neutralizing public spaces from 'religious' dominance.

Thus, more in aspirations than reality, the French concept of *laïcité* left some legacy. However, if compared to what Laborde (2005) identifies as the core values of republican *laïcité* – the preservation of a shared, non-sectarian public sphere; the distinction between the private and the public identities of individuals; equality before the law and non-discrimination; universal civic education in common schools; and the guarantee of equal religious rights for all – the Belgian philosophy and tradition noticeably diverges.

First, from its early existence, Belgium did not adhere to a strict doctrine of separation between church and state. Although Liberals were opposed to the dominance of the Catholic Church, many were also of the opinion that it was in the state's interest to support clerics and religious institutions, because they promoted morality and social order. Rather than the result of a particular ideal or ideology, the 'active neutrality' approach mainly evolved from political compromises. Although it has inspired contemporary multicultural policies, it should not be ignored that it is also extremely demanding in terms of state financing. French republicanism could be considered as highly demanding on citizens and religious organizations, but active neutrality requires a great deal of financial solidarity. In the light of an increasingly diversified society, the active neutrality approach is nowadays challenged in its own pragmatic terms.

Second, any meaningful attempt to construct the public domain as homogenous and autonomous, a public identity of Belgian citizens, and a corresponding civic education, was barred by the linguistic-communitarian (Dutch and French speaking communities) and social-economic (Labour, Capital) divides. If anything was to define Belgian identity, it would most obviously be its many dimensions of diversity touching on all spheres of human existence; from the cultural to the political, the social to the economic (Martiniello, 2004).

Third, as a federal state, Belgium recognizes the existence of linguistic-cultural minorities, adopting a multicultural logic that is opposed to the individualistic rights paradigm and difference-blindness of French republicanism. However, it should be noted that Belgium also adopts different logics for dealing with its different dimensions of diversity (Brems, 2006). As far as the linguistic-cultural divide is concerned, a strict multiculturalism is adopted, which is evidently not the case for other forms of diversity. Although the existing recognition of diversity offers opportunities to new groups to articulate their particular interests in the name of equal treatment, it also makes it more difficult to articulate new dimensions of diversity, such as gender diversity, alongside the already existing ones. For instance, women's organizations are not only regionalized, but also fragmented and for the most part tied to the different – Christian, Socialist and Liberal – 'pillars'.

Although the Belgian way of dealing with religious diversity is often equated with the Dutch 'pillarized' model, 'pillars' in the Netherlands are religiously delineated, while in Belgium they are defined in political and ideological terms. Different from the Netherlands, Belgium does not have a significant historical background of 'religious' pluralism, but has remained, as has France, predominantly Catholic.

Next to all these traditional divisions, a new political and societal division has developed in the past decades, particularly in Flanders, explicitly concentrating on immigration issues. The xenophobic discourse of the extreme right-wing nationalist party Vlaams Belang (Flemish Interest), has proven to be extremely successful electorally, ambiguously influencing democratic political discourses and policies.

In the previous section, we referred to the idea of 'active pluralism'. This idea has recently been launched by a few academics (cf. Abicht, 2006) and politicians (Stevaert, 2005) in Flanders as an alternative to both the French Republican model and the Dutch–Belgian model of 'pillarization' or 'passive pluralism'. Against the first, it is held that it does not guarantee an official space for the expression of different religious and philosophical beliefs; against the second, that 'passive pluralism' model merely enables people to live 'next to each other' rather than 'with each other'. Whereas both models may have pacified past conflicts between different religious and philosophical groups, in regard to new religious groups and notably

Islam, it is argued that they have also contributed to ignorance and hostility. Although the idea of 'active pluralism' seems inspiring for multicultural policies, for instance, by stimulating initiatives in which different religious and philosophical groups can learn from each other and from dialogue on certain common issues, for the very same reason it may also be considered as rather naive and it remains unclear how it could be implemented within law and society (De Hert and Meerschaut, 2007).

## THE HIJAB AS A FEMINIST ISSUE: A WOMAN'S CHOICE?

Most recent conflicts about the hijab in Belgium occur in the context of public office. In 2007, the city council of Antwerp introduced a policy guideline that prohibits the wearing of any religious, ideological or political symbol by employees of city offices who have direct contact with citizens and residents. Although it is emphasized that citizens and other residents should have extensive freedom to manifest their own religious beliefs within the public sphere, for the same reason it is also argued that, in order to cater to a highly diverse public, neutrality requires the restraint on the expression of religious and ideological beliefs and opinion of civil servants in direct contact with customers of public services.

This question has also been discussed by the aforementioned Commission on Intercultural Dialogue. Although it was unanimously agreed that neutrality is a fundamental value of democracy, it was also emphasized that it is open to different acceptable interpretations. According to the Commission's report, neutrality can be understood as either inclusive (or open) or exclusive (or closed) of differences. The first perspective argues for the absence of limitations on the wearing of religious and ideological symbols by civil servants, because the neutrality of officials should not relate to their 'appearance' (garments and other symbols), but only to the acts they perform as civil servants. It is further maintained that the visibility of cultural and religious diversity in public institutions makes diversity a daily and normal given and thus will favour a more tolerant attitude in society. In this view, the dominant interpretation of neutrality is denounced as exclusive, because it would selectively exclude signs and symbols that do not belong to the northern European tradition. A second interpretation requires restraint and rejects any form of religious expression among officials in a position of authority or in direct contact with the public. A third standpoint favours the absence of all religious and ideological signs for all civil servants (CID, 2005: 57–8).

Although the Commission did not defend one particular interpretation, it did launch the idea of an 'alternative' form of neutrality, an idea that would be taken up later by various actors in the Belgian headscarf

discussion, including pro-hijab feminist activists. Hence the launch and dissemination of the idea of an 'inclusive' understanding of neutrality elicited a paradoxical turn in the Belgian headscarf controversy. Rather than a discussion on the question of how freedom of religion and other fundamental rights (such as non-discrimination, gender equality, equal opportunities in the workplace, etc.) should be articulated within a general requirement of neutrality, the debate was for the most part reduced to a problematic opposition between the 'multicultural' inclusive version and the 'republican' exclusive version of neutrality.

In discussions of the hijab, and the Belgian case is no exception, the issue of gender equality is sometimes a central concern and at other times retreats from the top of the agenda, next to or in favour of other questions of dealing with diversity, such as the relationship between religion and the state, citizenship and multicultural accommodation. Yet gender relations, and the status of Muslim women in particular, is undoubtedly an important player in various headscarf controversies throughout Europe. As many feminist and postcolonial analyses show, there is a broad historical tendency to instrumentalize discourses on women's rights in rallying against various 'cultural' practices such as veiling. It is argued that this kind of 'colonial feminism' more often serves one's own agenda in legitimizing and consolidating further one's own cultural, ideological or political power and superiority (i.e. Abu-Lughod, 2002; Ahmed, 1992). However, in contrast to other contentious topics in the multiculturalism versus feminism conundrum, in European headscarf debates the principle of gender equality is often deployed in diametrically opposed opinions. Whereas one side defends a ban on the grounds of its allegedly oppressive meaning, the other contests a prohibition because it would, conversely, put limitations on the freedom of the person who chooses to wear the hijab.

In order to present a balanced portrayal of the way feminist arguments were articulated in the Belgian hijab discussion, in this section we reflect briefly on some of the positions taken and the activism that developed in reaction to the political and media debate, among both the majority feminist movement and Muslim women. For discussion typically took place 'in the names of', yet 'above the heads' of, the very persons it supposedly concerned. However, rather than merely being the stake of an agenda that transcends their actual interests, we also argue that the Belgian hijab question elicited the visibility of minority women who, as active participants and actors, are struggling to be recognized as equal partners in debates and policies on multiculturalism and equal opportunities. The result up to now has been that, more so than multicultural policies, gender equality policies have responded to a diversification in Belgian society.

Minority women's organizations first took a public stand during the peak of the Belgian headscarf controversy – preceded by the media coverage of

the French Stasi Commission and law on *laïcité* – following the publication in January 2004 in all main Belgian newspapers of an essay by the liberal Vice-Prime Minister and Minister of Domestic Affairs of the federal government, Patrick Dewael (2004), entitled ‘Elke dwang tot sluieren is onaanvaardbaar’ (Forced veiling is unacceptable). In this essay, the minister argued for a headscarf ban in official schools and public services on the grounds of both the neutrality principle and gender equality, and referred extensively to the emancipation of Muslim women. According to Dewael, although groups demanding their freedom of religion defend the right of Muslim women to wear the headscarf, in practice this often comes down to the ‘implicit acceptance of the order by Muslim men that their women must be veiled’ (2004: 11).

In reaction to this paternalistic stance, some 32 minority women’s organizations in Flanders signed an open protest letter directed to the Minister. New organizations emerged such as the Actiecomité Voor Moslimvrouwen in Vlaanderen (AMV; Action Committee for Muslim Women in Flanders) and the platform and petition ‘Blijf van mijn hoofddoek’ (Keep off my headscarf) in Mechelen (Flanders), who vehemently reject headscarf prohibitions at schools (Blijf van mijn hoofddoek, 2007). In critique of the dominant presupposition that women with headscarves would be ‘forced to veil’ or are ‘unemancipated’, organizations of Muslim women such as the AMV (2005) and Al-Marifa (De Kennis) v.z.w. (2004) (Brussels) also organized their own surveys on the wearing of headscarves. More recent small-scale research and publications (c.f. Dala, 2005; Vanderwaeren, 2005) also undercut the simplistic association between veiling and the oppression of all Muslim women, in line with a multitude of research in neighbouring countries (c.f. Amiraux, 2003; Bartels, 2005) and beyond (c.f. El Guindi, 1999; Gole, 1997; Mahmood, 2005).

As for the further development of both minority women’s activism concerning the hijab and the positioning of feminist organizations throughout Belgium, a somewhat different, yet by no means less diversified picture can be presented from that of France (cf. Ezekiel, 2004; Winter, 2006). As argued above, whereas the debate on the hijab in French-speaking Belgium seems to be much more influenced by the French debate on *laïcité*, in practice, women’s and feminist organizations of all kinds across the country have taken on both pro- and anti-hijab and more intermediate positions. For example, the vast range of standpoints is expressed in various mainstream and minority women’s and feminist organizations throughout Belgium having joined bi-communal and bilingual platforms against and for headscarf bans in schools and public services, whereas both national, Francophone and Flemish women’s organizations similarly and variably either support, reject or remain reticent on veiling practices and the wearing of religious symbols on grounds ranging from gender equality to public neutrality.



The hijab affair has to some extent also provoked an 'interculturalization' of white feminist organizations that had not previously addressed the issue of cultural and religious diversity among women in Belgium. Some organizations inspired by the philosophy of active pluralism, are gradually engaging in intercultural dialogue and incorporating principles such as inclusive neutrality into their visions and activities. Thus government-supported organizations such as the *Steunpunt Allochtone Meisjes en Vrouwen* (The Flemish Coordination Centre for Minority Girls and Women – active in Flanders and Brussels) defend the right of pupils, teachers and civil servants to wear a headscarf, and recently published a substantial brochure offering methods for dealing and discussing the headscarf in the classroom (Babazia and Perneel, 2006).

By contrast, anti-hijab positions such as that endorsed by the recently launched (2006) independent Belgian *Ni Putes Ni Soumises* (NPNS) movement – up to now only active in French-speaking Belgium – has not received any comparable media attention to that of France. According to the movements' leaders, 'social pressure, intimidation, verbal or physical violence and forced marriages' are also taking place in certain quarters of Brussels (Van Dorsselaer, 2006). However, the lack of official data and any substantiated research on the prevalence of gender inequalities such as forced veiling makes it difficult to assess whether and/or to what extent the situation in some major cities in Belgium compares to that of France. Recently, white and minority women's and feminist organizations have also joined ranks, as in the launch of a platform and successful poster campaign against what was perceived as the 'female unfriendly' decision of the Antwerp city council against the headscarf in 2007 (c.f. earlier; see also Baas Over Eigen Hoofd (BOEH!), n.d.). With the slogan 'Headscarf? A Woman's Choice', movements like these appeal to second wave feminist 'choice' rhetoric (cf. abortion rights). In this, they echo feminist pro-hijab activism in France such as that of Christine Delphy (from *Collectif Une Ecole pour Toutes et Tous*), and European initiatives such as the Assembly for the Protection of Hijab.

Thus, whereas women's/feminist organizations in Belgium may vary considerably within and across ethnic, community, regional, philosophical and political lines as to their position on the headscarf, one can to date infer that feminist perspectives have not on the whole been as anti-hijab oriented as in France. This corroborates our general analysis that the Belgian context does not allow for any uniform or straightforwardly polarized (e.g. Franco-phone versus Flemish) picture in feminist activism any more than in gender equality policies. At federal, community and local levels, feminist – including Muslim women's – activism following the headscarf affair has to some extent led to increased attention on the status and needs of minority women, with initiatives that may go beyond the colonial feminist 'victimization' trope that often accompanies anti-multiculturalist and racist

positions.<sup>7</sup> However, minority policies, as noted earlier, take different forms along the linguistic-communitarian fracture, and to date do not pay substantial attention to gender issues.

## CONCLUDING REMARKS

Although highly complex and diversified, the Belgian hijab question may nevertheless serve as an illuminating and instructive case in both analytical and pragmatic terms. First, the Belgian *nation state* embodies a historically established *compromise* (constitutional, institutional) between two different regimes of dealing with religious and philosophical pluralism in society, i.e. that of republican neutrality and that of state-supported religious accommodation. Complex institutional compromises that have been worked out in response to a particular history are nowadays challenged by the presence and demands of new religious groups in society. As a main symbol of this religious otherness, the headscarf issue touches upon this and has invoked renewed attention to the issue of secularity and religious accommodation.

In addition, and as is often amusingly remarked, the Belgian *federal state* can be considered as a *comparative* case regarding different models and policies of multiculturalism. Throughout the more recent process of federalization, policy making and jurisdiction, including on education and minorities, is delegated to the (linguistic-cultural) community level and allows the main parts of the country – Flanders and Wallonia – to follow different philosophies and practices of integration that are, respectively, close to the Anglo-Saxon ethnic (and formerly Dutch) minority model and the French citizenship model.

The headscarf debate in Belgium did not lead to a general ban, yet schools, local governments and private employers are increasingly introducing various measures resulting in restrictions on veiling. Although one would expect that practices would differ among the different regions, as of yet, clear tendencies to this effect cannot be ascertained, and this can be explained by a complex interplay of various factors. Differences between the regions are most pronounced at the level of discourse. A stronger affinity with the French republican model of *laïcité* is to be found in some of the feminist anti-hijab positioning on the French-speaking side, whereas Dutch-speaking pro-hijab discourse shows a more explicit affinity with multicultural philosophy. However, the latter is paradoxically sometimes also appropriated in order to justify limitations on displaying religious symbols. Thus, the Antwerp city council claimed that its prohibition would contribute to the promotion rather than impeding cultural diversity in its town and personnel management. Antwerp is also home to the extreme

right-wing party, Flemish Interest, who unavoidably yet ambiguously influenced the political agenda of the democratic parties. In its xenophobic and racist discourse, 'Islam' features as an increasingly important identity marker in securing the boundaries of the 'Flemish people'.

Yet the hijab issue, besides perpetuating prejudice on Islam as a patriarchal, theocratic and fundamentalist religion, has also elicited more substantial debates on the relationship between religion and the state, inter-religious and life-stance initiatives and, recently, concrete efforts to acknowledge Islam in Belgian society. Finally, attention has been drawn to the gender dimension amidst the current diversification of the already highly diversified Belgian society. A more promising effect of the headscarf controversy has certainly been its contribution to bringing women of minority groups out of public invisibility, and the gradual inclusion of their interests on the political agenda. Less troubled by various 'diversity' conflicts of the past and present, and more inspired by transnational and European dynamics, gender and equal opportunity policies may offer some institutional space in which the interests of new minorities and minority women in particular can be articulated.

## Notes

- 1 Avis du Conseil d'Etat, Assemblée générale, 27 novembre 1989. In the following years, a radicalization emerged and hostility towards the wearing of the headscarf increased.
- 2 Local Court decision, Brussels, 1 December 1989 and Report of the auditor of the State Council, 30 October 1992 (Brems, 2004).
- 3 See, for example, Goethals (1996) for a case study of the headscarf affairs in municipal schools in Ghent (Flanders) that took place in the early 1990s.
- 4 AEL is an identity movement (mainly of young Moroccan Muslims) that originated in Antwerp in 2000, but has also been active in the Netherlands. Although the movement has currently disappeared from media attention, in its formative years the government reacted in a very repressive way against the movement and it was often accused of Islamism.
- 5 Thus, the Flemish community is responsible for education in the Flemish provinces and for Dutch-speaking schools in Brussels; the French community is responsible for education in the Walloon provinces and for French-speaking schools in Brussels.
- 6 In a case in which six pupils lodged a complaint against the school regulations of a provincial secondary school that prohibited the wearing of a head covering within the classroom, the study rooms and the dining room, the Court of Appeal in Antwerp (14 June 2005) noted that neutrality, in the sense of *laïcité*, demands an effort of the religions as such as well as of each individual, and that in the context of 'neutral' (secular) education, some distance should be taken regarding the religious tradition without implying the belying of one's nature (see Court of Appeal, Antwerp, 2005).
- 7 For example, the Flemish Equal Opportunities Minister's current policy letter

(2004–09) applies an intersectional approach and prioritizes the emancipation of minority women. She has approached (previously ignored) minority women's self-organizations (both secular and religious) in order to start up a dialogue that may lead to concrete actions. In Wallonia, the current Ministry of Social Action, Health and Equal Opportunities, among others, is committed to combating sexism in education and employment, with particular attention to immigrant women and women from foreign backgrounds.

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